

STATE OF MICHIGAN



GRETCHEN WHITMER, Governor

MICHIGAN CIVIL RIGHTS COMMISSION

RESOLUTION

RESOLUTION IN SUPPORT OF REPRODUCTIVE RIGHTS

WHEREAS, the female population is an essential cornerstone of societies worldwide, account for more than half the citizens of the world and United States, and despite their innate and obvious ability for intellectual achievement, demonstrated deep sense of social and cultural responsibility, inherent right of self-determination and essential reproductive capabilities, and basic humanity, have historically and presently been denied by men and male created and dominated social, political, cultural, financial and other power structures, many of the basic freedoms, rights, privileges, enjoyments, opportunities and powers that the males to whom they have given birth, nurture or otherwise assist and support have acceded to themselves; *and*

WHEREAS, one of the fundamental rights of all people is the right to privacy and bodily integrity, which the United States Supreme Court previously recognized includes a constitutional right to abortion in the landmark 1973 case *Roe vs. Wade* which was reaffirmed by the Court in *Planned Parenthood v. Casey* in 1992; *and*

WHEREAS, major international institutions, including the World Health Organization and the United Nations, recognize reproductive rights as fundament human rights; *and*

WHEREAS, the Michigan Civil Rights Commission recognizes that the United States Supreme Court's decision to overturn *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization* (2022) may have a significant impact on Michiganders who previously enjoyed a federal constitutional right to an abortion; *and*

WHEREAS, there is a considerable body of data, research, information and studies which show access to safe and legal reproductive health care is vital to the health and well-being of Michiganders; *and*

WHEREAS, these studies also show that lack of accessible reproductive health care considerably decreases the well-being and health of women and girls, in particular low-income and black, indigenous and people of color, and results in demonstrable economic, physical, and mental harm; *and*

WHEREAS, the eradication and restriction of reproductive rights has serious, unique, and particular consequences and implications for women and girls in the mentally and physically disabled community, with a tendency to disparately impact a community of citizens who may in some cases be less likely to be able to articulate or understand objectionable circumstances and situations that may lead to their pregnancy or have the ability to care and provide for a child with the level of resources and support available to the non-disabled community; *and*

WHEREAS, the *Michigan Constitution of 1963*, art 5, §29 empowers the Michigan Civil Rights Commission to secure and protect the civil rights of citizens of the state of Michigan and the *Elliott Larsen Civil Rights Act*, MCL 37.2101, *et seq.*, prohibits discrimination based on gender; *and*

WHEREAS, the *Elliott Larsen Civil Rights Act*, MCL 37.2705, expressly grants the Michigan Civil Rights Commission the power and authority to “secure civil rights guaranteed by law other than the civil rights set forth in the [Elliot Larsen Civil Rights] [A]ct”; *and*

WHEREAS, the *Michigan Persons with Disabilities Civil Rights Act*, MCL 37.1101, *et seq.*, prohibits discrimination against citizens with disabilities and makes illegal disparate treatment of such Michiganders; *and*

WHEREAS, the citizens of the State of Michigan adopted the Due Process Clause and the Equal Protection Clause in the *Michigan Constitution of 1963* which affirmatively protects the civil rights of citizens, which include the reproductive rights of Michiganders; *and*

WHEREAS, the Michigan Civil Rights Commission acknowledges the several litigations before Michigan’s courts that could impact a citizen’s access to reproductive health care and we agree with Governor Gretchen Whitmer’s position that the Due Process Clause protects the right to reproductive health care, including abortion, and Attorney General Dana Nessel’s advocacy in defense of the constitutional rights of women regarding reproductive rights; *and*

WHEREAS, the Michigan Civil Rights Commission considers all reproductive rights to be a fundamental civil right and it is our duty to assure that public policy that impacts access to reproductive rights, practices, and other laws do so in a manner that does not discriminate against

persons based on race, color, religion, national origin, genetic information, sex, age, marital status, height, weight, arrest record, physical or mental disability; *and*

THEREFORE, BE IT RESOLVED, by the Michigan Civil Rights Commission that we encourage and support any legal efforts of the Governor and the Attorney General in defending, protecting, and advancing the reproductive rights of all citizens of the state of Michigan; *and*

BE IT FURTHER RESOLVED, that we support the Governor's Executive Directive 2022-5 (Reproductive Rights in Michigan) as a means of securing equal access to reproductive rights for Michigan citizens; *and*

BE IT FURTHER RESOLVED, that we authorize and direct the Michigan Department of Civil Rights to provide, when invited by the Michigan Court, an *amicus curie* brief to support and assist efforts made by any party regarding the equal access to reproductive health care in the state of Michigan; *and*

BE IT FURTHER RESOLVED that the Michigan Civil Rights Commission directs the Michigan Department of Civil Rights to provide, where requested, the support and resources necessary to assist any efforts by the executive and legislative branches of the State of Michigan in addressing discrimination against disabled and non-disabled women, girls and transgender men, nonbinary, and gender-nonconforming persons in the exercise of their reproductive rights; *and*

BE IT FURTHER RESOLVED, that this resolution is effective immediately upon adoption; *and*

BE IT FURTHER RESOLVED, that this resolution be forwarded to the Governor, the Attorney General, the President of the Michigan Senate, and the Speaker of the Michigan House of Representatives.



Passed on Monday the 25th day of July 2022, by the
MICHIGAN CIVIL RIGHTS COMMISSION

Commissioner Portia Roberson, Chair
Commissioner Gloria E. Lara
Commissioner Anupama Korsaraju

Commissioner Richard Corriveau
Commissioner Regina Gasco-Bentley
Commissioner David Worthams